

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 75-78, 82-86, 95, 98-100, 103-106, 116, 127-130, 150, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (Pub. No.: US 2005/0005308) and further in view of Wanderscheid et al. (US Pat. No.: 5,602,582) and Reisman (Pub. No.: US 2003/0229900).**

As to amended claims 75, 150, and 156, Fig. 1-3 of Logan teach a method of transmitting a selection of a streamed broadcast program, such as a specific play of a football game. As to the method for **"transmitting a video and/or audio sequence to a target device based on a selection of a streamed broadcast program, the streamed broadcast program being broadcast to a user for being rendered on a display, the selection being selected from the streamed broadcast program by the user pressing a key on a keypad of a user selection unit, the selection being made by the user at a selection time substantially when the selection is rendered on the display,"** the method of Logan allows a user to select a selection of a video program (e.g., a specific play of a football game) to be transmitted from the headend to the user's client device. As to the amended limitation that said selection is made by a user pressing a key on a keypad and the selection being made by the user at a

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selection time, Logan teaches that the user can make said selection using a remote control. That the selection is made at the time that the user makes the selection is inherent in Logan's system.

As to the limitations of “[1] computing the selection time when the user pressed the key on the keypad” and “[2] identifying the selection based on the computed selection time when the user pressed the key on the keypad with respect to rendering progress of the streamed broadcast program,” Logan teaches that the system can be implemented through a network personal video recorder (nPVR) system and selecting a previously broadcast segment (e.g., a specific play of a football game) inherently requires identifying the location of said play in the broadcast stream relative to the whole stream; however, Logan does not explicitly teach computing said selection time or identifying the selection based on said computed time, as recited. In an analogous art, col. 4 and Fig. 3-4 Wanderscheid teach a method for processing an input signal related to streamed digital video data wherein the system identifies a time I at which the user input is received, correlates said time I to a table of time indices, and performs an action based on said time index. Specifically, Wanderscheid teaches:

As an example, data stream 310 might represent a video clip promoting merchandise in a women's clothing store...A user input signal is identified during data stream 310 at time I. Upon receiving the input signal from remote controller 120, CPE 114 will determine a time index based on I. Referring now to FIG. 4, there is illustrated a look-up table used in association with the time indexed streamed digital video data. Continuing the previous example, the input signal is received by CPE 114 at time I between  $T_3$  and  $T_4$ . Accordingly, CPE 114 uses  $T_4$  to index into the look-up table of FIG. 4. Preferably, the timer and the look-up table reside in the memory of CPE 114. After the look-up is performed, CPE 114 executes a branch instruction associated with the  $T_4$  entry. In this example, a user generated input signal received by CPE at time I would result in CPE 114 transferring execution

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control to routine 3. The branch instruction could incorporate any execution transfer programming technique. Examples include case and switch statements, if-then-else statements and GOTO statement. (col. 4/lines 26-59)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Logan with the time index computation taught by Logan to enable the segment selection taught by Logan without having to navigate the menu of Logan. As to [2], one of ordinary skill in the art at the time of the invention would have recognized that the routine corresponding to each time index of Wanderscheid (Fig. 4) could be a control routine to cause the segments (e.g., plays) taught by Logan to be transmitted to the user. One of ordinary skill in the art at the time of the invention would have recognized this as a combination of known elements in the art that would have yielded predictable results.

As to the final limitation of **“[3] transmitting the video and/or audio sequence based on the selection to at least one of an external device and an external medium,”** in an analogous art, Fig. 8 of Reisman teaches a method wherein a user's set top box (STB) can communicate with a headend system to communicate video data to that same user's PC to perform "session coordination." It would have been obvious to one of ordinary skill in the art at the time of the invention that the session coordination of Reisman could be incorporated into the system of Logan so that a user of Logan's system could select a discrete segment of a broadcast program to be transmitted to the user's PC instead of to the user's television. This would have been desirable so as to allow a user to replay or share a segment of a program without interrupting viewing said program.

As to claim 76, the recited receiving an indication signal is inherent in the system of Logan wherein the user sends a signal to the nPVR server indicating a specific segment of programming to receive.

As to claim 77, the recited computing and recognizing is inherent in the system of Logan, as illustrated in Fig. 3.

As to claim 78, Fig. 1-3 of Logan teach the recited UID.

As to claim 82, Fig. 8 of Reisman teaches the recited computing device.

As to claims 83 and 84, Examiner notes that claim 75 does not positively recite the external medium recited in claim 75; however, Examiner takes Official Notice that it is well-known in the art for a PC to comprise a hard drive or other storage means which is equivalent to the recited "medium in the external device."

As to claim 85, Reisman teaches that said session coordination can be accomplished using a JAVA application (see, e.g., [0057], [0137]).

As to claim 86, Reisman teaches that the session coordination of Fig. 8 comprises displaying the selected content on the user's computing device.

As to claim 95, it would have been obvious to one of ordinary skill in the art at the time of the invention that a user could use the system of Logan to select additional programming segments preceding or following the currently selected segment, as recited.

As to claims 98 and 99, the recited streamed video or multimedia program is inherent in Logan.

As to claim 100, Fig. 3 of Logan teaches that each selection (e.g., a specific down of a football game) corresponds to a defined range of time, thus if the user does not know exactly when the selection occurred, he will still be able to locate the desired selection using the nPVR system of Logan in a manner cumulative with the recited error range.

As to claim 103, Logan teaches that the user selects the desired segment using a remote control [ABST].

As to claim 104, the recited video, multimedia, or A/V program is inherent in Logan.

As to claim 105, Examiner takes Official Notice it would have been obvious to one of ordinary skill in the art at the time of the invention that the user's STB would send the request for a segment containing the recited indication signal to the headend.

As to claim 106, the recited functionality is inherent in the nPVR sever of Logan.

As to claim 116, Logan also teaches that the system can be implemented in a video on-demand (VOD) system [0037] and Examiner takes Official Notice that it was well-known in the art at the time of the invention for a user of a VOD to send a signal from their STB to the headend agreeing to pay for the distribution of said VOD content.

As to claims 127 and 128, Examiner takes Official Notice that it was well-known in the art at the time of the invention for a content provider such as a broadcast network to insert branding information such as a network logo into broadcast content and that it would have been obvious to one of ordinary skill in the art at the time of the invention that said logo would still be present when a user accessed time-shifted content in an

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nPVR system such as that taught by Logan, said logo being equivalent to the owner rights code recited in claim 128.

As to claim 129, the recited UID based on a time code is taught by Fig. 3 of Logan.

As to claim 130, as the time-shifted nPVR segments of Logan are derived from broadcast programming, it is inherent that the recited UID would also be derived from said broadcast programming.

### ***Response to Arguments***

Applicant's arguments filed 27 November 2009 have been fully considered but they are not persuasive.

With respect to claims 75, 150, and 156, Applicant alleges that it would not be obvious to modify Logan based on Wanderscheid for the following reasons:

1. The remote control click of Wanderscheid is only relevant while viewing the video. However, the purpose of Logan is to enable a user to select which segments to view based on the selection guide descriptions so as not to have to view the whole recording.

2. If the system of Wanderscheid was applied to Logan, the user may have to view segments that the user does not want to view in order to get to the segment that the user wants to view - then the selection of that segment by clicking the remote control becomes redundant, as the user has already viewed that segment. The selection guide of Logan already performs the task of enabling the user to select segments based on descriptive labels in a very efficient manner without having to view the whole recording. Therefore, modifying Logan based on Wanderscheid destroys the system of Logan and makes it unworkable for the user.

3. Wanderscheid would not allow selection of multiple segments at one time and in a different order as is possible with Logan's selection guide. Therefore, the Wanderscheid remote control click would be more limiting than the selection guide of Logan.

The Examiner respectfully disagrees. With respect to Applicant's assertion that the combination of Wanderscheid and Logan would not have been obvious because, **"[1] the remote control click of Wanderscheid is only relevant while viewing the video. However, the purpose of Logan is to enable a user to select which segments to view based on the selection guide descriptions so as not to have to view the whole recording,"** the Examiner notes that Wanderscheid identifies the time at which the user input was entered relevant to the viewing of the program or of the segment being displayed, and thus would have produced the desired effect when combined with Logan, regardless of when the playback took place.

With respect to Applicant's assertion that **"[2] [t]he selection guide of Logan already performs the task of enabling the user to select segments based on descriptive labels in a very efficient manner without having to view the whole recording. Therefore, modifying Logan based on Wanderscheid destroys the system of Logan and makes it unworkable for the user,"** the Examiner reiterates, as noted above, that Wanderscheid identifies the time at which the user input was entered relevant to the viewing of the program or of the segment being displayed and does not require the user to view the entire program, as alleged. Regarding the allegation that modifying Logan with Wanderscheid as suggested above "destroys the system of Logan," the Examiner respectfully disagrees. While the Examiner agrees that the selection guide of Logan performs the task of enabling the user to select segments based on descriptive labels in a very efficient manner, the Examiner maintains that modifying Logan with Wanderscheid would further enhance the efficiency of Logan's

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system by providing the user with a quick, "one click" means of selecting a desired system without having to invoke or navigate Logan's menu.

The Examiner finds that Applicant's final allegation that **"[3] Wanderscheid would not allow selection of multiple segments at one time and in a different order as is possible with Logan's selection guide. Therefore, the Wanderscheid remote control click would be more limiting than the selection guide of Logan,"** is not germane to the claims at issue and the Examiner maintains that the combined teachings of Logan in view of Wanderscheid, when considered as a whole, teach the functionality recited therein.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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